

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA

CR NO.: 3:14-430
Columbia, SC
August 21, 2015

-vs-

RAYCO BETHEA,

Defendant

BEFORE HON. JOSEPH F. ANDERSON, JR.
SENIOR UNITED STATES DISTRICT COURT JUDGE
SENTENCING HEARING

APPEARANCES:

FOR GOVERNMENT: HON. WILLIAM N. NETTLES
UNITED STATES ATTORNEY
BY: WILLIAM K. WITHERSPOON
Assistant United States Attorney
1441 Main Street
Columbia, SC 29201

FOR DEFENDANT: JOHN D. DELGADO, ESQ.
1614 Taylor Street, P.O. Box 7965
Columbia, SC 29202

COURT REPORTER: DANIEL E. MAYO, RDR
Certified Realtime Reporter
901 Richland Street
Columbia, SC 29201

STENOTYPE/COMPUTER-AIDED TRANSCRIPTION

1 THE COURT: Mr. Witherspoon, please call the first
2 case.

3 MR. WITHERSPOON: Your Honor, the first case, good
4 morning, is United States of America versus Rayco Bethea,
5 criminal action number 3:14-430. Mr. Bethea is present with
6 his attorney John Delgado. We're here for sentencing.

7 Your Honor, the government has reviewed the
8 presentence report. As of last week -- as of this morning the
9 government wants to raise one objection. I have discussed it
10 with Probation. It's dealing with paragraph 81 and 82. I'll
11 tell the court, no matter how the court rules, if there's an
12 acceptance of responsibility I don't think it affects what the
13 court has to do today, but I would like to put it on the
14 record. We do object to the acceptance of responsibility and
15 I will be glad to explain why when appropriate.

16 THE COURT: It would be a late objection. Is it
17 because of conduct that's occurred recently?

18 MR. WITHERSPOON: Yes, sir.

19 THE COURT: I normally don't call time on a
20 sentencing because technically the rules say ten days from the
21 time the presentence report is submitted. I never call time
22 on the defendant, I'm not sure if I -- let me just defer on
23 that. We will hear the facts and go forward.

24 Mr. Delgado, good morning.

25 MR. DELGADO: Good morning, your Honor.

1 THE COURT: Have you had enough time to read over the
2 presentence and discuss it carefully with Mr. Bethea?

3 MR. DELGADO: I have, sir, yes.

4 THE COURT: The probation officer indicates in the
5 addendum that you do not have any objections to the report, is
6 that correct?

7 MR. DELGADO: That is correct, sir.

8 THE COURT: All right. Very good. Let me speak to
9 Mr. Bethea. Mr. Bethea, have you had enough time to read over
10 the report and discuss it with Mr. Delgado?

11 DEFENDANT: Yes, sir.

12 THE COURT: You understand this is an important
13 document in terms of helping me decide upon a sentence in you
14 case?

15 DEFENDANT: Yes, sir.

16 THE COURT: Mr. Delgado just told me that you do not
17 have any objections to the factual statements or guideline
18 calculations in the report, is that correct?

19 DEFENDANT: Yes, sir.

20 THE COURT: Do you agree with that statement by your
21 lawyer?

22 DEFENDANT: Yes, sir.

23 THE COURT: Very good. You can be seated. All
24 right. Mr. Witherspoon, let me hear what you've got to show
25 me here.

1 MR. WITHERSPOON: Your Honor, on last August 12 Mr.
2 Bethea and Mr. Delgado and I met at the FBI office. The
3 government had learned through sources that Mr. Bethea, since
4 he pled guilty in February, had continued to cook crack
5 cocaine. We confronted Mr. Bethea last week. Initially he
6 denied participating in any criminal activity until we were
7 about to polygraph him, at which point he then admitted that
8 since he pled guilty in February that he has been cooking
9 crack cocaine in his house that he lives with his wife and
10 eight children three times a week for an individual up to one
11 ounce each time.

12 THE COURT: Not for personal use but for others.

13 MR. WITHERSPOON: For others. We didn't learn this
14 until three weeks ago. We confronted him last week, at which
15 time he admitted it. And for those reasons, Judge, if you
16 look at 3E1.1, application note 1(b), voluntary termination or
17 withdrawal from criminal conduct or association, by his own
18 admittance he did not do that. Three times a week since
19 February after he pled guilty up until three days prior to
20 when we met with him on August 12.

21 THE COURT: And my presentence report is dated
22 August 13, is that right? I was about to ask you, did you
23 learn about this long after the presentence report was issued?

24 MR. WITHERSPOON: Judge, I'm not sure when -- mine is
25 not dated August 13.

1 THE COURT: I'm sorry, that's when it was clocked in
2 with the clerk.

3 MR. WITHERSPOON: Mine is dated July 22.

4 THE COURT: So the reason for the late objection is
5 the fact that this conduct occurred very recently, or you
6 learned of this conduct very recently.

7 MR. WITHERSPOON: Last week.

8 THE COURT: All right. Well, in the total scheme of
9 things -- I'm familiar with the case, and the government was
10 prepared to drop two priors and recommend a downward
11 departure. I guess all that is off the table now?

12 MR. WITHERSPOON: Yes, sir.

13 THE COURT: Well, then is it just an academic
14 exercise as to whether he gets acceptance or not?

15 PROBATION OFFICER: I wanted the court to know the
16 previous report was revised August 7.

17 THE COURT: Had a revision August 7. Can you tell
18 what it dealt with?

19 PROBATION OFFICER: Revising codefendant information
20 and paragraphs with his personal history.

21 THE COURT: All right. Mr. Witherspoon, does --

22 MR. WITHERSPOON: Judge, with the changes in the
23 laws, we have seen over the last ten years it is just a
24 technical change. However, I do like to have it on the record
25 that I am objecting to that issue. And I understand the

1 court's position, you can certainly deny it, but I don't think
2 that's going to prevent you from doing what you have to do in
3 this case. But I do want to raise that issue with the court,
4 given what we found last week.

5 THE COURT: Normally this would have been a mandatory
6 detention case when he pled guilty. I'm assuming I was
7 persuaded to leave him out because of his medical condition.

8 MR. WITHERSPOON: And let me explain all of that. We
9 initially moved, Judge, to detain him. Subsequent to him
10 being detained by the magistrate he was called and had a
11 kidney available for him. Because of that reason I withdrew
12 my motion for detention in hopes that he could get a kidney
13 during the time when this was pending and also to give him an
14 opportunity to help himself, because I knew he was looking at
15 a mandatory minimum. That has not happened.

16 Neither has he been, as Mr. Delgado states in his
17 sentencing memorandum, he's on an inactive list, which means,
18 as I understand, because he was not available to get a kidney
19 when it was available they knocked him down the list and more
20 tests and other things had to happen. We kept -- I asked that
21 he stay out when he pled guilty, again, in hopes that he would
22 get a kidney and in hopes that he could do what he had
23 promised to do to help himself.

24 THE COURT: In terms of cooperation against other
25 people?

1 MR. WITHERSPOON: They were expecting him to do
2 cooperation against other people.

3 THE COURT: Well, go back. You said you initially
4 wanted him detained. That was not in front of me.

5 MR. WITHERSPOON: In front of the magistrate.

6 THE COURT: When I took his guilty plea --

7 MR. WITHERSPOON: I asked for him to be continued on
8 bond.

9 THE COURT: That's what I thought. I never locked
10 him up.

11 MR. WITHERSPOON: No, sir. I asked him to be
12 continued on bond in hopes of a kidney transplant and also
13 that he could cooperate and help himself so we wouldn't be
14 here where we are today. Unfortunately, he didn't take
15 advantage of that, he continued his criminal activities. And
16 so, yes, sir, this is a Mandatory Detention Act case.

17 THE COURT: So you say he admitted his crack
18 activities on the threshold of taking a polygraph.

19 MR. WITHERSPOON: Sitting in the polygraph chair.

20 THE COURT: All right. Mr. Delgado, I'll be glad to
21 hear from the defendant on this objection.

22 MR. DELGADO: Your Honor, I must say to you, sir, I
23 can't in good faith say to you there can be an objection. I
24 think, as the court has said, literally I think this was
25 within ten days ago of today's sentencing. I'm just

1 constrained, your Honor, to be able to say to you I just could
2 not believe in good faith I can object to that, simply because
3 I believe it to be the law and I think the court's bound by
4 it.

5 THE COURT: All right.

6 MR. DELGADO: It's hard to say that.

7 THE COURT: This is a sad day, it really is, because
8 it looks like everybody tried to give Mr. Bethea the benefit
9 of the doubt. And looking back it may well have been much
10 better off to be in custody so he couldn't stay out cooking
11 this crack.

12 MR. DELGADO: Your Honor, I must say for the record,
13 and I hope Mr. Nettles hears about this, Mr. Witherspoon has
14 been extraordinarily professional in this matter, accessible,
15 helpful, understanding and, to be candid with you, he
16 continued to gently probe and asked the defendant for
17 assistance. I was as stunned as the government was --
18 apparently the government had some idea that some of this was
19 going on last week. I didn't have the slightest idea about
20 that. Your Honor, I'm sorry to say that in hindsight I guess
21 we're always perfect, but perhaps that could have been, yes,
22 sir.

23 THE COURT: Right. Well, Mr. Bethea, let me hear
24 from you. The government has objected to you getting a
25 reduction in your offense level for acceptance of

1 responsibility because of your continued criminal conduct
2 while you were out on bond. Anything you want to say about
3 that I'll be glad to hear from you.

4 DEFENDANT: Yes, your Honor. I just want to say
5 that, you know, before all this happened, you know, before my
6 health and everything I used to be a hard worker, a good
7 worker. And when my health shut down, when I couldn't work
8 anymore I didn't have no other way of making any money.
9 Trying to help my family because I couldn't do anything.

10 I mean, I have six kids and a wife. What I done I
11 know was stupid. And I talked to my kids yesterday and I told
12 them what I was facing. I told them I was facing life, it
13 didn't look good, with them yesterday. That was the hardest
14 thing I ever had to say to my kids.

15 I left them this morning and I told them I loved
16 them, I told my kids I would try to do anything, anything to
17 cooperate with the federal government and to reduce my life
18 sentence, anything for my kids and my wife.

19 Your Honor, if you can just spare me. Once again,
20 I'm stunned, I'm nervous, I'm scared of not seeing my kids
21 anymore. If you can just spare me.

22 THE COURT: All right. We're still on the objection
23 by the government to acceptance of responsibility right now.

24 Mr. Witherspoon, anything in reply on that issue?

25 MR. WITHERSPOON: Nothing, your Honor.

1 THE COURT: Well, I have traditionally allowed
2 defendants to file late objections, notwithstanding our local
3 rule for filing for a ten-day window. I'm not sure if I ever
4 had it come up with the government, but I'm going to follow
5 that same rule and allow the filing of a late objection,
6 primarily because this conduct came to light after the
7 presentence report was drafted and Mr. Witherspoon would have
8 timely objected had he known about the misconduct. So the
9 government's objection is sustained.

10 And it may all be academic but, as Mr. Witherspoon
11 said, things are happening so fast in Washington now regarding
12 criminal sentencing I think we need a clean record of how we
13 stand in case this mandatory life sentence is ever changed by
14 statute retroactively. So if the probation officer could tell
15 us the new guideline calculations.

16 PROBATION OFFICER: Your Honor, with no acceptance
17 the total offense level will become 32, the criminal history
18 category will remain three, the guideline sentence remains at
19 life. Otherwise, absent the mandatory minimum term it would
20 have been 151 to 188 months.

21 THE COURT: It would have been 151 to 188.

22 PROBATION OFFICER: Yes, your Honor.

23 THE COURT: With only one prior felony --

24 PROBATION OFFICER: With all priors.

25 THE COURT: Counting all three.

1 PROBATION OFFICER: Yes, sir.

2 THE COURT: So the statute makes it mandatory life,
3 not the guidelines.

4 PROBATION OFFICER: Yes, sir.

5 THE COURT: All right. Well, I will sustain the
6 government's objection and I adopt the guideline provisions
7 just announced by the probation officer. So we're looking at
8 the following, assuming that the three prior felony
9 convictions stay in the case. Mr. Witherspoon, the government
10 is formally declining to drop two.

11 MR. WITHERSPOON: We are, your Honor.

12 THE COURT: Because --

13 MR. WITHERSPOON: By him violating the plea
14 agreement.

15 THE COURT: Did not comply with the plea agreement.
16 And the government is not making a motion for downward
17 departure.

18 MR. WITHERSPOON: No, sir, not at this time.

19 THE COURT: So we're looking at the following then.
20 With the three prior felony drug convictions on the
21 defendant's record the statute requires a mandatory life
22 sentence. The statute requires a period of supervised release
23 if the defendant is ever released of at least ten years, the
24 fine could be up to \$20 million, and a special assessment of
25 \$100.

1 Under the guideline provisions the offense level
2 would be 32, the criminal history category would remain a
3 three. The defendant would not be eligible for straight
4 probation. The guideline range would be life, and supervised
5 release, if the defendant is ever released, would be at least
6 ten years. The fine was not calculated due to inability to
7 pay, and the special assessment is \$100.

8 All right. Anything from the government on
9 sentencing generally?

10 MR. WITHERSPOON: Nothing at this time, your Honor.

11 THE COURT: All right. Mr. Delgado? This is one of
12 the saddest cases I've had in a long time. Because everybody,
13 as I said earlier, everybody in this courtroom is trying to
14 help the defendant and he just made some foolish decisions
15 while he was on bail.

16 MR. DELGADO: I absolutely concur in that, your
17 Honor. I can't recall a night that I've had -- I must have
18 tossed and turned all night thinking about this morning.

19 THE COURT: I'll be glad to recommend the facility
20 that you requested. Where was it? Philadelphia, maybe?

21 MR. DELGADO: Devens, Massachusetts.

22 THE COURT: All right.

23 MR. DELGADO: Your Honor, one last thing, and again I
24 feel I have to say something. Again, it runs counter to what
25 the facts have indicated over the past, well, as a result of

1 the debriefing this past week at the FBI office. I must ask
2 for this, your Honor. Would the court consider continuing him
3 on bond and allow him to self-report? The reason I say that,
4 your Honor, is that yesterday he had dialysis treatment, he
5 has dialysis treatment tomorrow, he has it next Tuesday, next
6 Thursday, next Saturday. Dialysis is absolutely mandated
7 because of his medical condition that's noted in the
8 presentence report as well as my memorandum.

9 THE COURT: Tell me again how frequently he gets
10 treatment?

11 MR. DELGADO: Three times a week, sir, Tuesdays
12 Thursdays and Saturdays. This has been going on since March,
13 your Honor. As a matter of fact, a couple of times through
14 Miss Floyd we had to reschedule some, I think a sentence -- I
15 mean the guilty plea because he was in dialysis.

16 Your Honor, this is -- let me just show you, your
17 Honor. When I say something in words, your Honor, you can't
18 begin to understand what this problem has meant to this man,
19 notwithstanding everything else he's said and done and
20 admitted to. You might even be able to see from your vantage
21 point.

22 This is called a fistula, an artificial port that the
23 urinalysis takes place through. In other words, it flushes
24 him four hours, three times a week. He's been doing this
25 since March and he's going to have to continue that. That's

1 the reason I ask the court and was able to find out through
2 Miss Shealy and Will, as well, about the FMC in Devens, which
3 is recommended for this sort of thing.

4 My point is this, your Honor. I can only tell you
5 that I don't know when individuals in their own way come to an
6 ultimate fork in the road. But it may be, it may be, may be
7 that within the next month to six weeks if he is left out to,
8 first of all, facilitate his own medical needs, as he has been
9 since March, maybe a downward departure might be something the
10 government would look at again.

11 THE COURT: What would be?

12 MR. DELGADO: A downward departure based on
13 substantial assistance may be something the government would
14 look at again. I can't promise that. I know the government
15 stands --

16 THE COURT: You realize you are asking for a highly
17 unusual measure for somebody facing a mandatory life to stay
18 out on bond.

19 MR. DELGADO: Yes, sir, I understand that. I feel
20 like I must say something, your Honor. Yes, sir, I
21 understand. I certainly do.

22 THE COURT: Let me interrupt and ask the Marshal,
23 assume that he's designated to Devens, Massachusetts, how long
24 would it take.

25 MARSHAL: May I approach, your Honor?

1 THE COURT: Yes, sir.

2 (There was a pause in the proceedings)

3 THE COURT: The Marshal just informed me that they
4 anticipated this problem and I was just told that there's a
5 facility in Charleston County run by the state that has agreed
6 to let the Marshals bring the defendant down there and they
7 administer dialysis there in the facility. They normally
8 don't do it on Saturday but the Marshal has been proactive and
9 asked them to make arrangements to have someone come in on
10 Saturday to do the treatment. So he will not miss a beat,
11 assuming I don't take him into custody, it will not endanger
12 his health because he will get the dialysis treatment he needs
13 tomorrow and thereafter.

14 MR. DELGADO: Yes, sir. I understand.

15 THE COURT: Then we're back to the suggestion he
16 needs to stay out to try to cooperate and provide substantial
17 assistance. And I guess I need to hear the government.

18 MR. WITHERSPOON: Judge, this is a Mandatory
19 Detention Act case and we ask he be taken into custody.

20 THE COURT: All right. Mr. Delgado, I interrupted
21 you. Go ahead.

22 MR. DELGADO: No, sir. I'm sorry. This is a
23 difficult case, your Honor. I don't know what to say to you.
24 And I understand the quandary the court is in and I understand
25 the necessity of providing care and treatment. It's a very,

1 very, very difficult situation, yes, sir, I agree with the
2 court.

3 THE COURT: All right. Well, let me speak to the
4 defendant. Mr. Bethea, you have a right under our rules of
5 procedure to make any statement that you wish regarding your
6 case before I impose a sentence. I'll be glad to consider
7 carefully anything you tell me.

8 You've already gotten into it to some extent when we
9 were talking about the downward departure, but if there's
10 anything else you want to cover I'll be glad to hear from you.

11 DEFENDANT: Again, I --

12 THE COURT: That microphone will pick up what you
13 say, you don't have to bend over like that.

14 DEFENDANT: For my kids' sake, you know, if I can
15 just stay out, and I'm willing to cooperate with the
16 government. Whatever I need to do to work off the life
17 sentence I will do it, your Honor, for my kids and my wife.

18 THE COURT: All right. Thank you, sir. Mr.
19 Witherspoon?

20 MR. WITHERSPOON: May I just address something
21 shortly, Judge? I am full of emotions today. This is -- I
22 never thought this day would come. When we allowed him out in
23 February he promised that he would work and cooperate with us
24 because he knew he was facing a life sentence. As the court
25 observed in the presentence report, I mean in the plea

1 agreement, this is an unusual plea agreement for me. I was
2 willing to drop two enhancements, which would take the
3 mandatory life off the table, put him at a 20 year sentence
4 and give him a downward departure just for his cooperation.

5 He got out, and Mr. Delgado mentioned, there were
6 several times between February and today that I would send
7 Mr. Delgado e-mails and say hey, tell Rayco he needs to call
8 us, he's facing a life sentence, he needs to cooperate, he
9 needs to do something. The only time Mr. Bethea met with us
10 were the two times that I called him in where I learned that
11 he was not being honest and truthful with us. And both times
12 he sat there in a chair across from me and lied to me. Until
13 he had to sit in the polygraph chair.

14 Now he says that he wants to stay out so he can do
15 what he could for his children. By his own admission, Judge,
16 three times a week since February when his wife and his
17 children would leave the house he would bring drug dealers
18 into his house and use his house to cook crack cocaine. I'm
19 not sure I can use him at this point. Anybody that I used him
20 against I'm going to have to disclose to the defense he lied
21 and he continued to violate the conditions of his bond. You
22 have seen juries and how defendants, cooperating witnesses are
23 beaten up on the stand. I'm not sure I can use him at this
24 point. He's concerned about his children today but for the
25 last six months he was concerned about cooking crack cocaine

1 for these other drug dealers.

2 Judge, the Mandatory Detention Act says he needs to
3 be taken into custody.

4 THE COURT: All right. Well, Mr. Bethea, I'm going
5 to impose the required statutorily required sentence. I'm
6 going to make sure you get down to Charleston today so that
7 you can get your dialysis tomorrow. And it will continue
8 uninterrupted three times a week until you go to the facility
9 hopefully in Devens, Massachusetts. I'm going to make a
10 strong recommendation in the presentence report that you go
11 there. Mr. Delgado said they would be better than Butner to
12 treat you for your problem.

13 You made your own bed, Mr. Bethea. You had a
14 wonderful opportunity to get out from under this life sentence
15 down to 20 years and perhaps even lower than that, but you
16 yourself made these poor decisions and my hands are tied.

17 There's a possibility, there's a lot of movement in
18 Washington to do away with these mandatory sentences and if
19 that ever happens you may benefit from it. So maybe there's a
20 little ray of hope for you there. But I'm required by statute
21 to impose a sentence.

22 So having calculated and considered the advisory
23 sentencing guidelines, having carefully considered the Section
24 3553(a) factors as well as the statutory provisions for a
25 mandatory sentence in this case, it is the judgment of the

1 court that the defendant Rayco Bethea is hereby committed to
2 the custody of the Bureau of Prisons to be imprisoned for a
3 term of life. According to the Fourth Circuit decision in
4 United States versus Kratsas I find that when the defendant is
5 facing a sentence of life I must apply the three-part test in
6 the Solem decision, recognizing that an extensive
7 proportionate analysis is required in cases involving life
8 sentences.

9 Applying the first prong of the Solem case, the
10 defendant's offense was extremely grave because, number one,
11 drug use is a pervasive destructive force in American society,
12 the defendant was not merely a user or even a single
13 distributor of drugs but was a major supplier of both powder
14 and crack cocaine in the state of South Carolina. He
15 purchased and then converted to crack a total of 598.81 grams
16 and was involved in the purchase of another 16,376.3 grams of
17 powder cocaine.

18 Applying the second prong of the Solem decision, I
19 find that a life sentence for a major drug violation such as
20 this is not disproportionate in comparison with other
21 sentences under the guidelines.

22 In applying the third prong I find a review of the
23 state statutes within this circuit disclose the existence of
24 similarly severe sentences for narcotics violations of the
25 magnitude involved here.

1 Do we have any forfeiture issues in this case, Mr.
2 Witherspoon?

3 MR. WITHERSPOON: Judge, we move to dismiss the
4 forfeiture and any other counts.

5 THE COURT: On motion of the government the
6 forfeiture allegations and any other counts still alive are
7 dismissed with prejudice. I find that Mr. Bethea does not
8 have the ability to pay a fine, therefore the fine is waived.
9 He shall, however, pay the mandatory special assessment of
10 \$100, which is due immediately.

11 Should the defendant ever be released from
12 imprisonment the defendant shall be placed on supervised
13 release for a term of ten years. Within 72 hours of his
14 release from custody of the Bureau of Prisons the defendant
15 shall report in person to the probation office in the district
16 to which he is released.

17 While on supervised release the defendant shall
18 comply with the mandatory and standard conditions of
19 supervision outlined in Section 3583(d) of Title 18 and also
20 the following special condition: The defendant shall
21 participate in a program of random drug testing as approved by
22 the probation office and shall contribute to the cost of such
23 program in an amount determined reasonable by this court at
24 the time of the program. He shall also cooperate in securing
25 payment from any third parties, such as insurance or Medicaid.

1 Mr. Bethea, you signed a plea agreement waiving your
2 right to appeal your conviction and your sentence. Only in
3 very narrow circumstances may a defendant who has waived his
4 appeal rights in this fashion nevertheless pursue an appeal.
5 You should discuss with Mr. Delgado whether you have any
6 grounds for appeal and also whether an appeal would be in your
7 best interest or not.

8 If you wish to appeal and cannot afford an attorney
9 the court would appoint one for you. If you wish to appeal
10 you'd have to file your notice of appeal within 14 days from
11 the day the judgment order containing your sentence is filed
12 with the clerk.

13 I'm obviously not going to allow him to remain out on
14 bond pending designation of the institution. The Marshal
15 assured me adequate preparations have been made and he will be
16 taken to Charleston forthwith, receive his treatment tomorrow,
17 and periodically three times a week thereafter until he goes
18 to the facility.

19 I'm going to strongly recommend that he be
20 incarcerated in the facility in Massachusetts, Devens,
21 Massachusetts, which Mr. Delgado says is the institution best
22 equipped to treat him for his condition.

23 My reasons for imposing this sentence are as follows:
24 I have sentenced at the mandatory life sentence called for by
25 the statute, also considered the proportionality analysis

1 required by law. I've considered all the 3553(a) factors,
2 which are set out in detail in the presentence report and
3 incorporated herein by reference.

4 Regarding the nature and circumstances of the
5 offense, I've already detailed the defendant's extensive
6 involvement in both powder and crack cocaine. As to the
7 history and characteristics of the defendant, he has a large
8 family, he has a substantial criminal history involving
9 drug-related crimes. He has a severe medical problem that is
10 mentioned in-depth in the presentence report and I'm fully
11 aware of his medical needs and his family situation.

12 I've also obviously considered the fact that he
13 continued to engage in illegal conduct after receiving a very
14 gracious consideration by the government for letting him stay
15 out on bond pending sentencing when technically the Mandatory
16 Detention Act would have required him to go into custody.
17 That was done for his benefit because of his medical reasons
18 and also it allowed him time to cooperate and provide
19 information on other illegal activity of which he was aware.
20 He did not avail himself of that gesture and finds himself
21 back here today looking at a mandatory life sentence.

22 I've also considered, as required, the need for the
23 sentence imposed to reflect the seriousness of the offense, to
24 promote respect for the law, and to provide just punishment
25 and to protect the public from future crimes of the defendant.

1 Those are all my reasons. Thank you very much. We will be in
2 recess.

3 (Recess, 10:12 a.m.)
4
5
6

7 I certify that the foregoing is a correct transcript
8 from the record of proceedings in the above-entitled matter.

9 Date: 2-10-18

s/ Daniel E. Mayo

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